

1 LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM

2 BLYTHE PUBLIC HEARING

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

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Taken on Wednesday, July 21, 2004

14

At 6:39 p.m.

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235 North Broadway

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Blythe, California

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Reported by: Juliette L. Vidaurri, CCR, RPR
AZ CCR #50359/CA CCR #11081/NV CCR #748

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1 APPEARANCES:

2 Joseph Vanderhorst
3 Deputy General Counsel
4 METROPOLITAN WATER DISTRICT Of SOUTHERN
5 CALIFORNIA
6 700 North Alameda Street
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8 Christopher S. Harris
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10 STATE OF CALIFORNIA
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1 MR. VANDERHORST: Good evening everyone, and
2 welcome to the public hearing on the Lower Colorado River
3 Multi-Species Conservation program.

4 The first thing I would like to do is remind
5 everyone, if you have not already done so, if before you
6 leave this evening, you can sign in on our sign-in sheet at
7 the back of the room. It will be on the table at the back
8 of the room, and we really appreciate that so we have an
9 idea who is present for our public hearings.

10 Let me first then introduce myself. My name is
11 Joseph Vanderhorst. I'm with the Metropolitan Water
12 District for Southern California, and we are here tonight to
13 take public comments on a program which is a Federal, State,
14 and local effort to provide compliance with the Endangered
15 Species Act for operations on the Lower Colorado River.

16 And the purpose of this meeting is to get your
17 comments on the documents which have now been distributed
18 for public review. The documents are available. There is a
19 set of the documents here at the Palo Verde Valley Library
20 located at 125 West Chanslorway in Blythe and you can go
21 look at the documents there. You can also submit a request
22 for a copy of the documents electronically at the address
23 which is included in the Federal Register notice which you
24 can pick up on the back table.

25 I am here on behalf of the Metropolitan Water

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1 District which is the lead agency for purposes of complying
2 with the California Environmental Quality Act. That's one
3 of the reasons we are here tonight, to take comments on our
4 CEQA document, which is out for your review.

5 The Metropolitan Water District is one of several
6 California agencies involved in the effort to develop the
7 multi-species plan, and we will be involved also in the
8 funding and implementations of the program if it is approved
9 and goes forward.

10 Also involved in this process are the United
11 States Fish and Wildlife Service which is a joint lead
12 agency for purposes of compliance with the National
13 Environment Quality Act or NEQA.

14 The Fish and Wildlife Service is undertaking an
15 action as part of its regulatory rule in issuing incidental
16 take permits under the Endangered Species Act, and part of
17 that process it has to do the environmental review by NEPA.
18 It is joint lead agency for federal compliance with this law
19 as is one of the coauthors of the Draft Environmental Impact
20 Statement which is what we are here for receiving your
21 comments on tonight.

22 The other joint lead agency on the federal side is
23 the US Bureau of Reclamation. That agency, of course,
24 operates most of the facilities on the Colorado River; and
25 as the federal lead agency, will also be implementing any

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1 multi-species conservation program that is implemented as
2 proposed in our documents, and so they are the coagency for
3 NEQA purposes, and are here tonight to also receive your
4 comments.

5 As I said, now the purpose of this meeting is to
6 take your comments on the documents. Um, we have a Joint
7 Environmental Impact Report/Environmental Impact Statement.
8 The state and -- California state agencies and the federal
9 agencies have combined their required documents into one
10 document and issued that.

11 Um, what we want to do tonight is take your
12 comments on those documents, and you can submit your
13 comments tonight verbally. We also have public comment
14 forms in the back that you can fill out and leave with us
15 tonight.

16 You can also submit written comments at the
17 addresses that are shown back on the chart on the table and
18 also included in the Federal Register notice which is back
19 on the back table. We will be accepting comments until
20 August 18th; and after that, we will be taking all the
21 comments under consideration and reviewing and revising the
22 documents as necessary.

23 Um, the procedure for tonight will be we are going
24 to ask Mr. Chris Harris to make a short presentation about
25 the program, and that will just give you a basic description

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1 of it, um, and then we're going to open up the floor to your
2 comments.

3 When we do take your comments, in order to get a
4 transcript of what you have to say, so we get it right, we
5 have a shorthand reporter here to take it down. And so what
6 we would ask that when you want to give your comment, if you
7 would stand up and begin by stating and spelling your name
8 so that the reporter can get that, give us your address, and
9 then if you would speak clearly as you can and slowly so
10 that the reporter can take it down, and I believe she will
11 let you know if she needs anything repeated to get it down
12 correctly.

13 We are going to ask that you try and keep your
14 comments to a five-minute limit so that we can get through
15 all the comments tonight in a reasonable amount of time. If
16 you feel you can't get it all said in five minutes, we
17 encourage you to add additional comments in writing; either
18 hand them to us tonight or mail them in before August 18th.

19 So without further ado then, we will have
20 Mr. Harris begin with the presentation on the program.

21 (Chris Harris made his presentation at
22 6:44 p.m. until 6:53 p.m.)

23 MR. VANDERHORST: Okay. So the program that
24 we are here to take comments on tonight is to implement that
25 Habitat Conservation Program that was just outlined, and we

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1 are in the process of performing environmental review of
2 what the environmental impacts would be of implementing that
3 program, and we have a Draft Environmental Impact
4 Report/Impact Statement that's been prepared and submitted
5 for public comment, and so for tonight we would like to open
6 the floor up to take your comments on that document.

7 So if you want to speak, why don't you go ahead
8 and raise your hand and if you could stand up and go ahead
9 and talk; and again, start by saying and spelling your name
10 for the record.

11 MR. WERNER: My name is William E. Werner,
12 W-e-r-n-e-r, representing the State of Arizona, Department
13 of Water Resources, 500 North 3rd Street, Phoenix, Arizona
14 85004.

15 The Arizona Department of Water Resources has been
16 involved in development of the Lower Colorado River
17 Multi-Species Conservation program since 1994 when the
18 Department joined with sister agencies in California and
19 Nevada in funding a feasibility assessment of options for
20 proactively dealing with endangered species management
21 issues related to Colorado River operation and maintenance.

22 Following the feasibility study, the group
23 initiated an effort to develop and implement a feasible
24 multi-species management program that -- and here's the
25 bullets -- accommodates current water diversions and power

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1 production and optimizes future water and power development
2 opportunities.

3 Second, works toward the conservation of habitat
4 and toward recovery of the species and; thirdly, reduces the
5 likelihood of additional threatened/endangered species
6 listings.

7 Today we have before us the Lower Colorado River
8 Multi-Species Conservation Program Draft Programmatic
9 Environmental Impact Statement/Environmental Impact Report
10 and associated documents, that describe such a program and
11 the effects of implementation of the program.

12 The Colorado River is clearly an important asset
13 to the State of Arizona and many of the state's citizens
14 benefit from water, power, and recreational resources of the
15 river.

16 Within the state, the director of the Department
17 of Water Resources is authorized, for and on behalf of the
18 State of Arizona, to consult, advise and cooperate with the
19 Secretary of the Interior of the United States in respect to
20 the exercise of the authority of the secretary of the
21 interior of any -- of any authority relative to water of the
22 Colorado River.

23 The Department believes that implementation of
24 conservation measures as described in Alternative 1 and
25 issuance of a Section 10(a)(1)(b) permit to the non-federal

Blythe-1

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1 applicants meets the objectives identified previously. A
 2 coordinated, comprehensive, habitat and species conservation
 3 strategy best meets those objectives over the long term,
 4 thus maintaining current water diversions and power
 5 production and future water and power development
 6 opportunities.

Blythe-1
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7 In addition, Alternative 4, focusing on off-river
 8 habitat conservation measures that merits careful
 9 consideration.

Blythe-2

10 Conservation areas described in Alternative 4
 11 could be used in conjunction with on-river areas described
 12 in Alternative 1, resulting in a blend of the two.

13 In summary, the Arizona Department of Water
 14 Resources supports implementation of proactive, coordinated,
 15 comprehensive, habitat and species conservation strategy as
 16 described in the draft EIS. The Department looks forward to
 17 a continuing relationship with all sister state agencies,
 18 federal agencies, Indian tribes, environmental groups, and
 19 other interested parties as this program develops.

Blythe-3

20 Thank you.

21 MR. VANDERHORST: Thank you, Mr. Werner.

22 (One hand was raised.)

23 MR. VANDERHORST: Yes. In the back row.

24 MR. GROTKE: My name is Chuck Grotke,

25 G-r-o-t-k-e. I would venture to say that the majority of

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1 the people in this room have not had the opportunity to look
2 at the document we are supposed to be commenting on tonight.

3 With that in mind, perhaps you would accept some
4 of their questions and comments as trying to learn. I am
5 sure a bunch of us are going to be leaving for the library
6 or internet to fill out our knowledge, but I am certain
7 there's a lot of people who have just -- this is the first
8 they have heard of it.

9 MR. VANDERHORST: Okay. Yeah. Thank you.

10 Obviously the document is a voluminous document.
11 And the best way for you to get the information you need is
12 to get the document itself and read it, and then you can
13 submit any comments you have after going through it and
14 focusing on the issues that are most concerning to you.

15 You can submit your comments on that in writing,
16 and that might be the best way to deal with that. Or
17 anybody who is able to take it in electronic format, we do
18 have some CD's available with us tonight that you can pick
19 up.

20 MR. GROTKE: Will you be accepting questions
21 from the audience on what some of the comment -- or some of
22 the content might be?

23 MR. VANDERHORST: Um, that really isn't the
24 purpose of the meeting tonight. I can ask -- answer some
25 basic questions, but I don't want to get into characterizing

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1 what I think the document says. It really has to speak for
 2 itself. It was the result of multiple agencies' input, and
 3 it's really not for me to say yes, this is what it says.
 4 The reading of the document itself is the best way to get
 5 the information accurately.

6 MR. GROTKE: Okay.

7 MR. VANDERHORST: I would be happy to answer
 8 any basic questions people have.

9 MR. GROTKE: Perhaps after the people who are
 10 familiar with the document have finished with their
 11 comments, you can open it up for a little bit of Q and A.

12 MR. VANDERHORST: Okay.

13 MR. GROTKE: Thank you.

14 (One hand raised.)

15 MR. VANDERHORST: Yes, sir.

16 MR. NELSON: Les Nelson, N-e-l-s-o-n, City
 17 Manager of Blythe. The State of Arizona looks like they
 18 read the document. As Mr. Grotke alluded to, I don't think
 19 many of us here have had an opportunity to read the
 20 documents. I know you don't want this to be a -- process to
 21 be a question/answer. I know you want public hearing
 22 comments.

23 Nonetheless, I do have some questions. The nine
 24 million up front, the six hundred million over a period of
 25 50 years, where does that money come from; and secondarily,

Blythe-4

Blythe-5

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1 the properties that are going to be put in a habitat, is it
 2 the intent to acquire those properties if they are held
 3 privately; and if so, what would be the basis for
 4 determining their market value? Would there be an appraisal
 5 of some sort?

Blythe-5
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6 MR. VANDERHORST: I can give you some basic
 7 answers, but not all the details. The program will be
 8 funded by parties who have activities on the river that are
 9 covered by this program and for which they want incidental
 10 take permits issued so they can continue to perform those
 11 activities without fear of prosecution for violating the
 12 Endangered Species Act, and there is a Chapter 7 of the
 13 Habitat Conservation Plan which describes the funding
 14 structure that's currently being contemplated for the
 15 program, and I would direct your attention to that section
 16 at this point.

17 With regard to the properties that will be used
 18 for the program, projects, the habitat construction, we have
 19 identified certain areas that could be used for this
 20 program, but we have not specified that must be used for
 21 this program. The idea was to identify what was necessary
 22 in order to obtain the incidental take permits. How much
 23 mitigation would be required for the activities we were
 24 seeking coverage for, and we have identified the size of the
 25 project necessary to get those permits in place. The

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1 specific locations will be determined in the future.

2 There will be individual environmental reviews for
3 each project that comes up for implementation, and I believe
4 that we have stated in the document that any acquisition of
5 the property necessary to put those projects in place will
6 be done on a willing buyer/willing seller basis.

7 Any other comments?

8 (One hand raised.)

9 MR. VANDERHORST: Yes, ma'am.

10 MS. CARLTON: Rosalie Carlton, 620 Holley
11 Lane, Blythe, California.

12 In this plan are you going to have -- What I'm
13 gathering is there's going to be off-limits to the river?

Blythe-6

14 MR. VANDERHORST: No. There will be no
15 off-limits to the river. The project, as was explained,
16 includes the creation of 8,132 acres of new habitat; and
17 because that habitat is being set up specifically for the
18 benefit of the endangered species, we are trying to get
19 protection for that habitat will be set aside and there will
20 be -- there will not be access to those areas where we are
21 creating the habitat because we don't want the species
22 disturbed. In fact, it would be a violation of the law to
23 disturb those species in the way that disrupts their
24 essential life activities.

25 So we are going to have a certain amount of

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1 acreage that the program will be using and setting aside,
2 but there's a discussion in the program documents about the
3 fact we are not doing any interference with recreation as it
4 exists now on the river. We are not closing any portions of
5 the river. And the 8,000 acres is a very small portion of
6 the existing acreage that is available on the river. We
7 don't anticipate that will cause any impacts to people's use
8 of the river in any way.

9 MR. HARRIS: Let me follow up on that, too.
10 You guys live with a national wildlife refuge on the river.
11 You have three of them -- actually, four of them; imperial,
12 Havasu, and Bill Williams refuges.

13 Periodically what the refuges will do on those
14 lands, those federal lands where they've got to close
15 particular portions of the lake, whether it's Cibola Lake or
16 some areas where they are doing some bird surveying and
17 they -- those are off-limits to visitors at critical times
18 of year, particularly when some of these birds are nesting
19 and fledglings are there and so forth.

20 There may be cases like that where we have certain
21 areas that you can't access because the birds are nesting
22 and it's a real critical time of year, but in other periods
23 of the year you may go into them. It depends on the
24 management that is brought to bear on that particular parcel
25 at that time.

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1 To finish up, as Joe mentioned, you know, we are
2 talking about putting an additional 8,000 acreage of
3 riparian habitat on the river. There's something on the
4 order of right now a hundred and thirty or a hundred and
5 forty thousand acres of riparian habitat on the Lower
6 Colorado River. This is just a tiny bit more.

7 So I mean, you know, where these are, we've got
8 this catalog of potential restoration sites along the river.
9 We have really no idea at this point in time exactly where
10 we will be implementing this habitat restoration. I think
11 that's something we've got to look at in the future.

12 I think the documents layout that some of the
13 criteria you would use would be you would look at the human
14 use elements in conjunction with putting potential
15 restoration sites in place.

16 MR. VANDERHORST: Let me just add, you should
17 review the document in Chapter 3 -- I believe it's
18 Section 15 of the Environmental Impact Statement has a
19 description of the recreational aspects and how the program
20 will work in conjunction with that.

21 MS. CARLTON: Would you repeat that.

22 MR. VANDERHORST: It is Chapter 3 of
23 Section 15.

24 MR. HARRIS: 3.15.

25 (One hand raised.)

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1 MR. VANDERHORST: Yes, sir.

2 MR. CROSBY: Cobe Crosby, C-r-o-s-b-y, Rivera
3 Drive. I'm just a little confused. I wanted to clarify and
4 kind of expound on what she said. So this is not going to
5 affect boating is what you are saying as it is now,
6 recreation boating, et cetera? Because I didn't read this
7 as many people probably didn't, but I got a flier that said,
8 you know, are they going to shut down boating on the river
9 and so forth. Where did that impression come from?

Blythe-7

10 MR. VANDERHORST: I don't know.

11 MR. CROSBY: Okay.

12 MR. VANDERHORST: There's nothing in our
13 program, nothing in our document which says we have any
14 affect on boating at all. We don't intend to shut down any
15 boating.

16 MR. CROSBY: Good. Thank you.

17 (One hand raised.)

18 MR. VANDERHORST: Yes, sir.

19 MR. JOHNSON: Tom Johnson, J-o-h-n-s-o-n. I
20 have fished that American Bass Tournament Series, and I
21 fished that Lower Colorado River, and I can see that what
22 you are doing down there is a great thing.

Blythe-8

23 In other words, you are opening up places that
24 have been opened up -- that haven't been opened up for
25 years. So that portion of that I see is good.

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1 But I'm concerned about what's going on here in
 2 the upper portion. We closed off Goose Flats. We closed
 3 off Ellers. We closed off Three Fingers Lake and we've --
 4 Pretty Water is now -- you can't go in the evening time.
 5 Also, Cibola Lake has been closed off to regular motor
 6 usage.

7 And those things I'm concerned that we're doing
 8 too much to preserve an endangered species; and because of
 9 doing that, we're losing other species.

10 In other words, when I go down and fish Walters
 11 Camp, I used to have a place I can catch limits of fish
 12 every time, won a tournament there. Today I can't do that
 13 because, um, Three Fingers Lake is now closed to them, the
 14 fish being able to go in there and reproduce and spawn, and
 15 that's the only concerns I have. That I wish they would do
 16 the same thing they've done down here. If that's what we
 17 have in mind, I'm all for it; but if we plan on closing more
 18 backwaters off, I'm against that.

19 Thank you.

20 (One hand raised.)

21 MR. VANDERHORST: Yes, ma'am.

22 MS. CARLTON: Is there any simple training to
 23 the public on this environmental impact?

24 MR. VANDERHORST: We do have some
 25 documentation available on the back table. Um, I don't know

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1 whether I can say there's a simple, simple outline of the
 2 program, other than what we've given tonight. The document,
 3 Environmental Impact Statement, itself does include an
 4 executive summary at the beginning of the document which
 5 gives you a shorter outline. You don't have to go through
 6 it in the detail that the rest of the document contains.

7 If you read the executive summary, it will give
 8 you a broad outline of what this entails.

9 MR. HARRIS: That may focus you on other
 10 areas where you may want to go get more detailed information
 11 within the documents.

12 (One hand raised.)

13 MR. VANDERHORST: Yes, sir.

14 MR. HULL: Charles Hull, H-u-l-l, Assistant
 15 City Manager for the City of Blythe.

16 You're an employee of MWD?

17 MR. VANDERHORST: Yes, I am.

18 MR. HULL: Okay. I would presume then that
 19 you're lead agency role here in dealing with the habitat
 20 issues that you are bringing to focus, the transfers that
 21 the Colorado River water going west may impact the species
 22 here locally to some degree.

23 I'm giving you a segway to explain yourself as it
 24 relates to the river here and the water transfer, so please
 25 take this as a positive comment that the cumulative effect

Blythe-10

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